

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. TCPB MARKETING INC., Respondent.	DOCKET NOS. FCU-04-21 FCU-04-22
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**ORDER APPROVING SETTLEMENT AGREEMENT AND
ASSESSING CIVIL PENALTY**

(Issued June 29, 2004)

On May 12 and May 14, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) petitions for proceedings to consider civil penalties for alleged slamming violations committed by TCPB Marketing, Inc. (TCPB).

In the complaints, Consumer Advocate asserted that TCPB switched the complaining customers' long distance service without proper authorization in violation of Iowa's anti-slamming law, Iowa Code § 476.103 (2003). The complaints were identified as Docket Nos. FCU-04-21 and FCU-04-22.

On June 23, 2004, the parties to these dockets, Consumer Advocate and TCPB, submitted a joint motion for approval of the settlement agreement contained in

the motion. The settlement agreement addresses all issues in the two dockets and includes a monetary penalty against TCPB in the amount of \$500.00 in each docket, or a total of \$1,000, which is to be paid within 30 days of this order.

The Board has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, and is in the public interest. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joint Motion for Approval of Settlement Agreement" filed in these dockets on June 23, 2004, is granted and the "Settlement Agreement" is approved.
2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed June 23, 2004, TCPB Marketing, Inc., is assessed a civil penalty in the amount of \$1,000. Payment is due within 30 days of the date of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 29th day of June, 2004.